



**FARMERS
BRANCH**

ORDINANCE NO. 3315

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE FOR A SPECIAL EVENT CENTER ON PROPERTY IN PLANNED DEVELOPMENT NUMBER 70 (PD-70) ZONING DISTRICT BEING A 1.28 ACRE TRACT OF LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, COMMONLY KNOWN AS 13435 BEE STREET; PROVIDING FOR THE APPROVAL OF A SITE PLAN, ELEVATIONS, AND LANDSCAPE PLAN; ADOPTING SPECIAL CONDITIONS; PROVIDING RESOLUTION OF CONFLICTS WITH OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;

5. The applicant has proposed to make an investment of up to \$180,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within four (4) years from the effective date of said permit and this Ordinance; and

6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit – Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use for a Special Event Center within the Planned Development Number 70 (PD-70) Zoning District with respect to an approximately 1.28-acre tract of land generally located on the southwest corner of Bee Street and Fruitland Avenue and being further described in Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property")(commonly known as 13435 Bee Street).

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 70 (PD-70) Zoning District as well as the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan, Building Elevations, Floor Plan, and Landscape Plan attached as Exhibits "B," "C," "D," and "E", respectively, and incorporated herein by reference, and which are hereby approved.
- B. The special event center will limit occupancy to a maximum of 200 persons.
- C. The hours of operation for the Special Event Center shall begin no earlier than 10:00 a.m. and end no later than 10.00 p.m., Sunday through Thursday. Hours of operation for Friday and Saturday shall begin no earlier than 10:00 a.m. and end no later than 12.00 a.m. (Midnight).

- D. Off-duty law enforcement officers shall be hired to direct traffic in and around the Property and provide security during all events occurring in the Special Event center as follows:
- (1) At least one (1) officer if the anticipated attendance will be equal to or greater than fifty (50) but less than one hundred (100) people; and
 - (2) At least two (2) officers if the anticipated attendance will be equal to or greater than one hundred (100) people.
- E. No recorded or live music, whether amplified or not, shall be permitted on the exterior of any building on the Property.

SECTION 3. The above described property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Sections 1 and 2, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

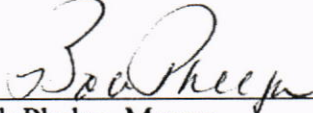
SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate four (4) years from the effective date of this Ordinance.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 20th DAY OF JANUARY, 2015.


ATTEST:


Angela Kelly, City Secretary

APPROVED:


Bob Phelps, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney
(kbl:1/11/15:69508)

Ordinance No. 3315
Exhibit "A"
Description of Property

BEING all of Lot 55 and part of Lots 56, 58 & 59 of North Dallas Truck Farms Addition, an Addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 7, Page 109, Map Records, Dallas County, Texas, and being a resurvey of those certain tract of land described in deeds to Gowan L. Cecil et ux, of record in Volume 89165, Page 2192, Arthur S. McCarthy, of record in Volume 83132, Page 491, Jonelle Corporation, of record in Volume 70016, Page 2270, Jonelle Corporation, of record in Volume 71108, Page 1191, Jonelle Corporation of record in Volume 71158, Page 1331, and Mary V. Cecil, et vir, of record in Volume 80077, Page 2846, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 3/4 inch iron pipe found for corner at the intersection of the south right of way line of Fruitland Avenue (50 foot R.O.W.) with the west right of way line of Bee Street (60 foot R.O.W.) at the northeast corner of said Lot 55, from which a nail found for reference bears North 45° 09' 58" East, a distance of 4.79 feet;

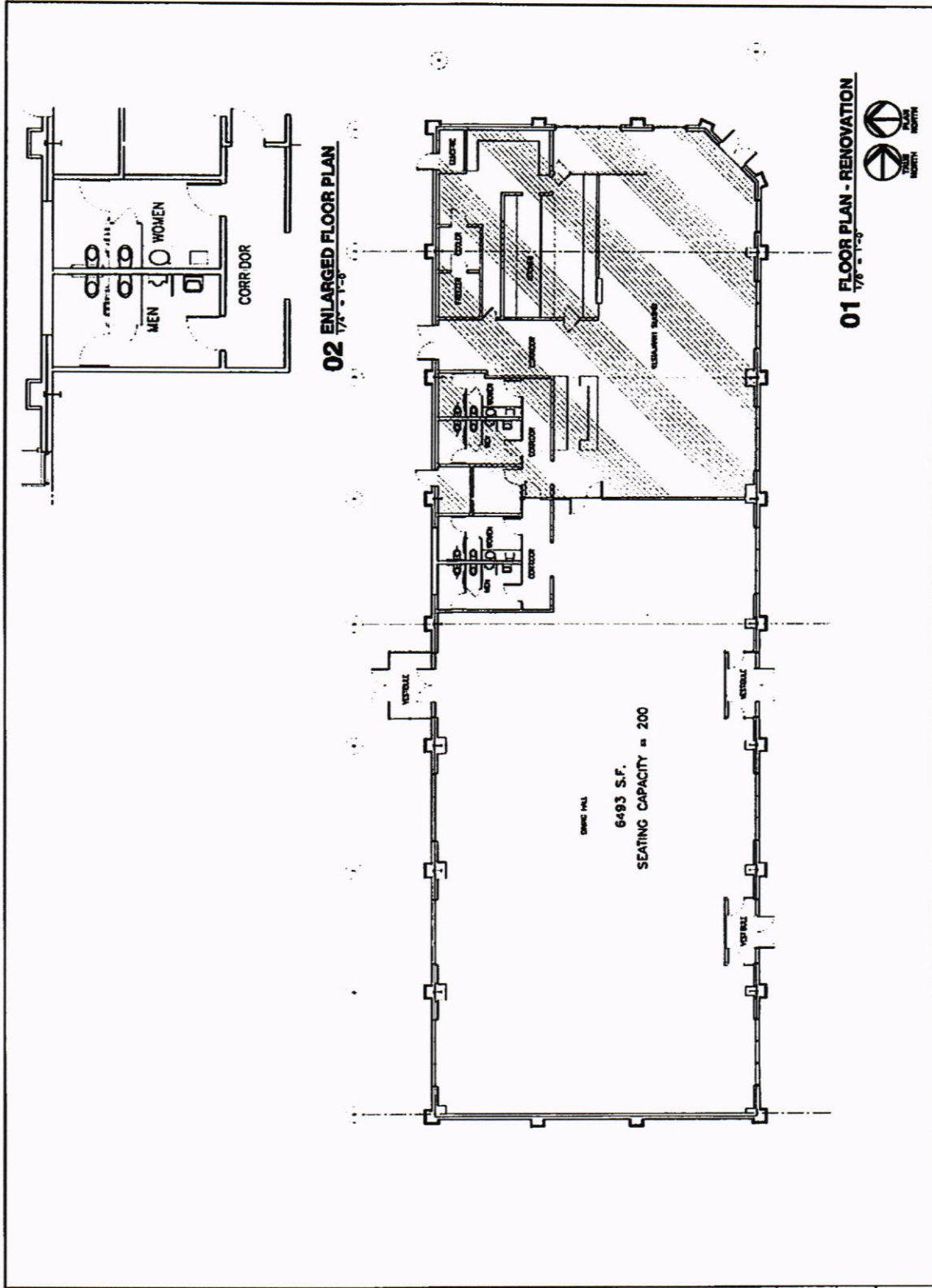
THENCE South 08° 22' 01" East along the west right of way line of said Bee Street, a distance of 255.94 feet to a 1/2 inch iron pipe found for corner at the southeast corner of said Mary V. Cecil Tract, from which a 1 inch iron found for reference bears North 87° 47' 01" West a distance of 6.70 feet;

THENCE North 89° 56' 58" West along the south boundary line of last mentioned tract, a distance of 238.72 feet to a 1/2 inch iron pipe found for corner at the southwest corner thereof;

THENCE North 00° 03' 02" West along the west boundary line of said Mary V. Cecil Tract, Jonelle Corporation Tract (Volume 71158, Page 1131), and Gowan L. Cecil Tract, respectively, a distance of 253.00 feet to a point for corner at the northwest corner of last mentioned tract, in the south right of way line of said Fruitland Avenue, from which a nail found for reference bears North 40° 15' 12" West a distance of 5.20 feet;

THENCE East along the south right of way line of said Fruitland Avenue, a distance of 201.70 feet to the PLACE OF BEGINNING and CONTAINING 1.280 acres of land, more or less.

Ordinance No. 3315
Exhibit "D"
Floor Plan



Landscape Plan

